



AGENDA, TROY CITY COUNCIL
TUESDAY, JANUARY 3, 2017, 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Excuse Mr. Kendall

excuses by motion/second/roll call vote

SUMMARY OF MINUTES

December 19, 2016 Meeting

motion/second/roll call vote

COMMITTEE REPORTS

RESOLUTIONS

- | | | | |
|-----------|---|-----------|-------------------------|
| R-56-2016 | Authorizing submission to the electors an increase in City income tax of an additional 0.25% solely for parks and recreational purposes, directing the Board of Elections of Miami County, Ohio to conduct the election | EMERGENCY | 2 nd Reading |
| R-1-2017 | Authorize use of Internet Auction Sites for sale of surplus property | | 1 st Reading |

ORDINANCES

- | | | | |
|-----------|--|--------------------------|-------------------------|
| O-61-2016 | Authorizing submission to the electors an increase in City income tax of an additional 0.25% solely for parks and recreational purposes, effective 1-1-18, ending 12-31-2027 | EMERGENCY | 2 nd Reading |
| O-1-2017 | Final Plat Halifax Subdivision Sections Two and Three, dedication of right-of-way | | 1 st Reading |
| O-2-2017 | Rezoning of parcel DO8-012080, 214 S. Mulberry Street, from M-2, Light Industrial District, to B-2, General Business District | PUBLIC HEARING 1-17-2017 | 1 st Reading |
| O-3-2017 | Amending Section 1143.16, enacting Sections 1149.13 & 1149.14 of the Zoning Code, re retail dispensaries, cultivators or processors of medical marijuana | PUBLIC HEARING 1-17-2017 | 1 st Reading |

COMMUNICATIONS/ANNOUNCEMENTS

- COMMENTS: Mayor, Director of Public Service & Safety, Director of Law, Auditor, Council President
- COMMENTS: Council
- COMMENTS: Staff
- COMMENTS: Audience

ADJOURN

NOTE: Committee meetings may take place prior to or following Council meeting

CITY OF TROY MISSION STATEMENT:

Through sound and prudent leadership, the City of Troy is committed to sustaining its continued prominence as a regional hub by providing a well-balanced community for its residents, businesses and visitors, consisting of a vibrant downtown, growing economic base, strong educational environment, and plentiful recreational opportunities strengthened by public/private cooperation and grounded in financial stability.

DISPOSITION OF ORDINANCES AND RESOLUTIONS

Date of Meeting: Jan. 3, 2017

Troy City Council Meeting

DESCRIPTION	RESOLUTION NO.	1ST READING	2ND READING	3RD READING	PUBLIC HEARING	SUSPENSION	ADOPTION
Income Tax levy for park & recreation w/ballot language	R-56-2016	12/19/2016					
Use of internet auction sites to sell surplus property	R-1-2017						
	ORDINANCE NO.						
Submit income tax levy for park & recreation	O-61-2016	12/19/2016					
Final Plat Halifax Sects. Two & Three	O-1-2017						
Rezone 214 S. Mulberry M-2 to B-2	O-2-2017				1/17/2017		
Amend Ords re Medical Marijuana	O-3-2017				1/17/2017		

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, December 19, 2016, at 7:00 p.m. in Council Chambers.

Members Present: Kendall, Oda, Phillips, Schweser, Snee, Terwilliger, Tremblay and Twiss.

Upon motion of Mr. Schweser, seconded by Mr. Kendall, Mr. Heath was excused from this meeting by unanimous roll call vote.

Presiding Officer: Martha A. Baker President of Council

Others Present: Michael L. Beamish Mayor
Patrick E. J. Titterington Director of Public Service and Safety
John E. Frigge Auditor
Grant D. Kerber Director of Law

INVOCATION: An invocation was given by Council Member Snee. The Pledge of Allegiance followed the invocation.

MINUTES: The Clerk gave a summary of the minutes of the December 5, 2016 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Kendall, seconded by Mr. Twiss, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Community and Economic Development Committee: Mr. Twiss, Chairman, reported that Committee recommends legislation be prepared approving the First Troy Corp. annexation, an area of 55.800 acres in Concord Twp., located east and north of Lytle Road.

Report signed by Kendall, Schweser and Twiss.

Recreation and Parks Committee: Mr. Tremblay, reported that Committee met to consider recommendations from the Troy Recreation Board and the Board of Park Commissioners related to placing a limited term .25% income tax increase on the May 2, 2017 Primary Election Ballot for the purpose of funding park and recreation projects. Both Boards recommended that an additional income tax levy be placed before the voters. As a part of the Committee discussion, representatives of the Operation Recreation Committee as well as representatives of a number of organizations that would benefit from the improvements spoke in favor of proceeding with the initiatives of Operation Recreation and asked that Council place a short term income tax increase on the ballot to fund the projects so that the matter could be voted on by citizens. Discussions also noted the positive economic impact the improved recreational facilities could bring to the community.

MAJORITY REPORT:

The Committee majority recommended that necessary legislation be prepared to place a 10-year .25% (.0025) income tax increase on the May 2, 2017 ballot for the purpose of funding park and recreation projects. So that the legislation can be in place and effective prior to the February 1, 2017 deadline for initiatives to be to the Board of Elections, we support emergency legislation.

Majority Report signed by Tremblay and Heath.

MINORITY REPORT:

The Committee minority recommendation is that necessary legislation be prepared to place a 10-year .25% (.0025) income tax increase on the May 2, 2017 ballot for the purpose of funding park and recreation project; however, the undersigned does not support the legislation being presented as an emergency measure.

Minority Report signed by Oda.

(Copy of entire report attached to original minutes.)

CITIZEN COMMENTS:

Supporting the legislation to place an income tax levy on the ballot to fund park and recreation initiatives:

-Kathy Slack, 918 S. Mulberry Street, member of the Troy Skating Club, talked about the value of the Hobart Arena to the community. She stated she feels the renovations to the Arena will result in more demands on the use of the Arena, which will impact the time available for ice use. Ms. Slack asked that the issue be placed on the ballot (income tax levy for parks and recreation) and she supports the tax increase as she believes a second sheet of ice will allow other ice events to be scheduled and make the Arena available for other uses.

-Tamara Ganger, 922 Branford Road, Executive Director of the Senior Citizens Center, stated she supports the tax levy as it would provide funds to replace the roof on the Senior Citizens Center and fund other maintenance.

-Jim Taylor, 2670 Kessler-Cowlesville Road, stated he volunteered to be co-chair of the Operation Recreation initiative and supports the levy. He stated he feels the intent of the levy fits the City's mission statement.

-Lance England, 635 Swailes Road, representing the Miami Shores Golf Course Advisory Board, commented that the Miami Shores clubhouse needs major repairs (roof is 30 years old, electric no longer meets code, and the HVAC is beyond its life expectancy) and making the repairs and improvements will increase the value of the clubhouse and make it more usable for the public. He stated that establishing a driving range will provide a revenue stream and help grow the sport of golf.

-Michelle Ziolkowski, 1177 Fairway Drive, representing the Troy Junior Hockey Booster Club, stated the organization has 122 members, half of which are from Troy, and has to turn away members due to lack of ice time; skating related programs need ice time to grow and to add programs. She noted the number of persons that attend ice events with participants, commenting that the money spent when these persons come to Troy for activities help the businesses and the economy. She also stated that her children are in the baseball and soccer programs and she sees the benefit of expanded areas and programs for these sports at Duke Park.

-Jeff Waite, 1588 Paradise Trail, representing the Trojan Soccer Club, stated he supports improving soccer facilities as additional courts and parking are much needed. He stated that having a number of activities available in the community attract and retain residents, and structured activities are good for the youth. He noted that having more soccer fields will make it possible to play the Troy Strawberry Soccer Tournament in Troy, with the 3,000 players and their families helping the economy.

Opposing the tax levy:

-Bernie Vogle, 3270 E. SR 55, stated he works in Troy but does not live in Troy, and opposes paying an addition income tax if the levy is successful. He indicated he feels the increase is huge for non-mission critical purposes. He commented he believes the issue was poorly thought out, there was going to be a property tax levy to bring in \$10 million that would have been \$4 million short of what was needed, and now there is proposed an income tax levy that will bring in twice as much money with a project added of a second sheet of ice. He also questioned the emergency legislation.

-Lester Conard, 1210 S. Clay Street, questioned the emergency legislation, he opposes work at the golf course as golf is "out", suggested the senior citizens center was included to get old peoples' vote, and that the City would be adding to an already subsidized Hobart Arena, suggested the City could pay for the improvements from the General Fund, and said that the schools will also be asking for support of a tax levy.

Mrs. Baker asked Mr. Titterington to discuss the emergency provision of the legislation regarding the income tax levy. He stated that for an item to be on the May 2 ballot, any issue must be to the Board of Elections by Feb. 1, and that schedule does not provide sufficient time for non-emergency legislation if Council chose to go more than one reading.

Mrs. Baker asked about the checking of the ballot language, and that it be carefully checked. She also commented she understood that the pre and post campaign documentation related to the November property tax ballot issue (withdrawn prior to the election) was not properly filed. Mr. Phillips stated that based on the understanding of the Operation Recreation committee, all procedures were followed. Mr. Kerber stated he would forward to Mr. Phillips the Ohio Campaign Finance Handbook for checking.

RESOLUTION NO. R-56-2016

A RESOLUTION SPECIFYING MAY 2, 2017, AS THE DATE OF SUBMITTING TO THE ELECTORS OF THE CITY OF TROY, OHIO A PROPOSAL TO INCREASE THE MUNICIPAL INCOME TAX RATE BY ONE QUARTER OF ONE PERCENT (0.25%) TO BE USED SOLELY FOR PARKS AND RECREATIONAL PURPOSES, AND DIRECTING THE BOARD OF ELECTIONS OF MIAMI COUNTY, OHIO TO CONDUCT THE ELECTION, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

ORDINANCE NO. O-60-2016

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 55.800 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Oda, Twiss, Snee, Kendall, Tremblay, Schweser, Terwilliger and Phillips.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Phillips.

Yes: Twiss, Snee, Kendall, Tremblay, Schweser, Terwilliger, Phillips and Oda.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-61-2016

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF TROY, OHIO, AN INCREASE IN THE CITY INCOME TAX OF AN ADDITIONAL ONE-QUARTER OF ONE PERCENT (0.25%) TO BE USED SOLELY FOR PARKS AND RECREATIONAL PURPOSES TO BECOME FIRST EFFECTIVE JANUARY 1, 2018 AND ENDING DECEMBER 31, 2027 AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

COMMENTS OF MAYOR BEAMISH: Mayor Beamish noted:

- Officer Brandon Fellers will be retiring, being the officer serving longest in the DARE/SRO program.
- The Miami Valley Veterans Museum has presented the City a plaque of appreciation of the support for the Museum.
- He received a letter from Santa Claus thanking the City for salting the sidewalks and quadrant around the Santa House downtown.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that City offices will be closed December 23 and 26 and Jan. 2 but refuse collection will be on schedule. He also commended the Street Department for addressing the severe weather events over the weekend, included salting all streets.

In regard to the street salting, Mrs. Baker asked when that was started. Mr. Titterington replied that the salting started at the tail end of the rain on Saturday night just ahead of the freezing rain, with mains and secondary roadways treated, with the rest of the roadways treated on Sunday when the temperatures remained low.

COMMENTS OF THE DIRECTOR OF LAW: Mr. Kerber offered holiday wishes.

COMMENTS OF MEMBERS OF COUNCIL: Mr. Schweser asked if the City could check with CSX as a number of railroad ties were left after CSX completed some recent rail work.

CITIZEN COMMENTS:

Lester Conard, 1210 S. Clay Street, commented that it seems Council did not act on R-56-2016 and O-61-2016 because of the emergency wording, and he hopes it will be taken off before the next meeting so the citizens will have a chance to vote.

There being no further business, Council adjourned at 7:44 p.m.

Clerk of Council

President of Council

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council
FROM: Community & Economic Development Committee
SUBJECT: FINAL PLATS – SECTIONS TWO AND THREE OF HALIFAX SUBDIVISION

DATE: December 20, 2016

SUMMARY REPORT: *(To be read at Council meeting)*

This Committee met on December 19 regarding the recommendation of the Troy Planning Commission that the final plats of Sections Two and Three of the Halifax Subdivision be approved. Both sections are in general accordance with the approved preliminary plan. There would be a total of 11 building lots in each section.

RECOMMENDATION: *(To be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared accepting the final plats of Section Two and Section Three of the Halifax Subdivision as presented, including the dedication of the right-of-way.

Respectfully submitted,

Thomas M. Kendall

John W. Schweser

William C. Twiss, Chairman
Community & Economic Development Committee

DETAILED REPORT:

This Committee met on December 19, 2016, regarding the recommendation of the Troy Planning Commission that the final plats of Section Two and Three of the Halifax Subdivision be approved. Also attending the meeting were Mayor Beamish, Council President Baker, Council Members Phillips and Terwilliger, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

Halifax Subdivision is located east of Piqua-Troy Road and north of Troy-Urbana Road. The final plats of both sections are in general accordance with the approved preliminary plan. The plat was submitted by Frank Harlow. Fees-in-lieu of dedicated green space have been paid for the development. Other details are:

SECTION TWO:

- Section Two consists of 15.4733 acres;
- There will be 11 building lots on 14.0827 acres;
- The plat includes dedication of 1.391 acres of right-of-way (on Barrington Drive and Halifax Drive); and
- The zoning is R-1, Single-Family Residence District, with a minimum lot size of 40,000 square feet, with actual lot sizes ranging from 40,079 square feet to 96,141 square feet;

SECTION THREE:

- Section Three consists of 13.8438 acres;
- There will be 11 building lots on 12.3955 acres;
- Section Three includes dedication of 1.4483 acres of right-of-way (on Walton Court and Halifax Drive); and
- The zoning is R-1, Single-Family Residence District, with a minimum lot size of 40,000 square feet, with actual lot sizes ranging from 40,049 square feet to 58,392 square feet;

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared accepting the final plats of Section Two and Section Three of the Halifax Subdivision as presented, including the dedication of the right-of-way.

Cc: Council, Mayor, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk, staff, media

RESOLUTION No. R-56-2016

Dayton Legal Blank, Inc.

A RESOLUTION SPECIFYING MAY 2, 2017, AS THE DATE OF SUBMITTING TO THE ELECTORS OF THE CITY OF TROY, OHIO A PROPOSAL TO INCREASE THE MUNICIPAL INCOME TAX RATE BY ONE QUARTER OF ONE PERCENT (0.25%) TO BE USED SOLELY FOR PARKS AND RECREATIONAL PURPOSES, AND DIRECTING THE BOARD OF ELECTIONS OF MIAMI COUNTY, OHIO TO CONDUCT THE ELECTION, AND DECLARING AN EMERGENCY

WHEREAS, enhanced recreational facilities and opportunities provide substantial quality of life benefits to the citizens, business community, and visitors of the City of Troy, Ohio; and

WHEREAS, enhanced recreational facilities and opportunities promote workforce attraction, residential development, tourism and other economic impact activity; and

WHEREAS, the City of Troy, Ohio, its partner agencies and charitable foundations have made significant investments in recreational amenities, including riverfront development. However, additional temporary funding is required to develop and improve park and recreational facilities in the City of Troy, Ohio and to repair and renovate such facilities; and

WHEREAS, an increase in the City Income Tax requires that the electors of the City of Troy, Ohio approve such a measure; and

WHEREAS, the deadline to submit an income tax levy for the May 2, 2017 election is February 1, 2017, ninety (90) days prior to the election; and

WHEREAS, Troy City Council supports the enhancement of Troy's recreational facilities.

WHEREAS, Ordinance No. O-61-2016 passed concurrently with the adoption of this Resolution, provides for submitting to the electors of the City of Troy, Ohio a proposal to impose an additional income tax at the annual rate of one-quarter of one percent (0.25%) for the period beginning on January 1, 2018 and ending December 31, 2027 by amending Section 171.012(B) of the Codified Ordinances of the City of Troy, Ohio; and

WHEREAS, It is necessary that this Resolution take effect immediately in order to submit said proposal to the electors by the required deadline and to provide for the immediate preservation of the public peace, property, health and safety.

NOW, THEREFORE, BE IT RESOLVED BY the Council of the City of Troy, Ohio, as follows:

SECTION I: That May 2, 2017 be, and it hereby is, specified as the date of the election to be held to submit to the electors for their approval Ordinance No. O-61-2016, which Ordinance imposes an additional income tax at the annual rate of one-quarter of one percent (0.25%) to be used solely for parks and recreational purposes for the period beginning on January 1, 2018 and ending December 31, 2027 by amending Section 171.012(B) of the Codified Ordinances of the City of Troy, Ohio.

SECTION II: That the Board of Elections of Miami County, Ohio be, and it hereby is, directed to conduct the election as specified in Section I of this Resolution.

SECTION III: That the ballot for said election specified in Section I of the Resolution shall be in the following form:

A majority affirmation vote is necessary for passage.

Shall Ordinance No. O-61-2016, providing to increase the City income tax an additional one-quarter of one percent (0.25%) for a period beginning on January 1, 2018 and ending on December 31, 2027 to be used solely for parks and recreational purposes be passed?

FOR THE INCOME TAX	
AGAINST THE INCOME TAX	

SECTION IV: That the Clerk of the Troy City Council be, and hereby is, authorized and directed forthwith to file a certified copy of this Resolution together with a certified copy of Ordinance No. O-61-2016 with the Board of Elections of Miami County, Ohio.

SECTION V: That this Resolution is an emergency measure for the immediate preservation of the public peace, health and safety of the City of Troy, Ohio and for the further reason that this Ordinance must take effect prior to the filing deadline for the May 2, 2017 election; NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor

RESOLUTION No. R-1-2017

Dayton Legal Blank, Inc.

**RESOLUTION AUTHORIZING THE SALE DURING CALENDAR
YEAR 2017 OF MUNICIALLY-OWNED PERSONAL PROPERTY
WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS
OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS
ACQUIRED, BY INTERNET AUCTION PURSUANT TO OHIO
REVISED CODE SECTION 721.15 (D)**

BE IT RESOLVED by the Council of the City of Troy, Ohio as follows:

SECTION I: That during calendar year 2017, municipally-owned personal property which is not needed for public use, or which is obsolete or unfit for the use for which it was acquired may be sold by internet auction.

SECTION II: That any said auction sale shall be conducted under the authority and direction of the Director of Public Service and Safety, Patrick Titterington, 100 S. Market Street, Troy, Ohio 45373, (937) 335-1725.

SECTION III: Any such internet auction sales shall be conducted by way of internet auction services of GovDeals.com, Amazon.com, Ebay.com, Ubid.com, Yahoo.com, MSN.com, or Google.com, pursuant to the rules and regulations promulgated and in effect for those sales organizations, including that the City of Troy will pay a sales fee to the internet auction services organization.

SECTION IV: That in connection with each such contemplated internet auction sale, bidding shall remain open for not less than fifteen (15) days, including Saturdays, Sundays and legal holidays.

SECTION V: That in connection with each such contemplated internet auction sale, the terms of payment shall be cash, payment in full on or before the date of delivery to the successful bidder; further, the successful bidder shall be solely responsible for all acts and expenses associated with the delivery of any item so purchased.

SECTION VI: That this Resolution shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor

ORDINANCE No. O-61-2016

Daytime Legal Black, Inc.

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF TROY, OHIO, AN INCREASE IN THE CITY INCOME TAX OF AN ADDITIONAL ONE-QUARTER OF ONE PERCENT (0.25%) TO BE USED SOLELY FOR PARKS AND RECREATIONAL PURPOSES TO BECOME FIRST EFFECTIVE JANUARY 1, 2018 AND ENDING DECEMBER 31, 2027 AND DECLARING AN EMERGENCY

WHEREAS, enhanced recreational facilities and opportunities provide substantial quality of life benefits to the citizens, business community, and visitors of the City of Troy; and

WHEREAS, enhanced recreational facilities and opportunities promote workforce attraction, residential development, tourism and other economic impact activity; and

WHEREAS, the City of Troy, its partner agencies and charitable foundations have made significant investments in recreational amenities, including riverfront development. However additional temporary funding is required to develop and improve park and recreational facilities in the City of Troy and to repair and renovate such facilities; and

WHEREAS, an increase in the City Income Tax requires that the electors of the City of Troy approve such a measure; and

WHEREAS, the deadline to submit an income tax levy for the May 2, 2017 election is February 1, 2017, ninety (90) days prior to that election; and

WHEREAS, Troy City Council supports the enhancement of Troy's recreational facilities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio, a majority concurring, as follows:

SECTION I: That at the election of May 2, 2017, the Miami County, Ohio, Board of Elections submit to the electors of the City of Troy, Ohio the question of an increase in the municipal income tax rate for an additional one quarter of one percent (0.25%) to be used solely for parks and recreational purposes beginning on January 1, 2018 and ending on December 31, 2027.

SECTION II: That the tax referenced in Section I shall be considered an annual tax levied on the income of every person residing in or earning or receiving income in the municipal corporation and that the tax shall be measured by municipal taxable income.

SECTION III: That the City of Troy, Ohio authorizes the tax set forth in Section I.

SECTION IV: That the City of Troy, Ohio is levying this tax in accordance with the limitations specified in Chapter 718 of the Ohio Revised Code and this Ordinance incorporates the provisions of Chapter 718 of the Ohio Revised Code. The tax, specified herein, shall be subject to all provisions set forth in Chapter 171 of the City of Troy, Ohio, Codified Ordinances.

SECTION V: The additional tax set forth in Section I shall be allowed a credit as specified in Ohio R.C. 718.04(D) and set forth in Sections 171.081 and 171.083 of the Troy Codified Ordinances and as further re-stated herein.

171.081 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY

- (A) Where a resident of the Municipality is subject to a municipal income tax in another municipality, he shall not pay a total municipal income tax on the other income greater than the tax imposed at the higher rate.
- (B) (1) Every individual taxpayer who resides in the Municipality who receives salaries, wages, commissions or other personal service compensation for work done or services performed or rendered outside of the Municipality, if he has paid a municipal income tax on the same income taxable under this Chapter to another municipality, shall be allowed a credit against the tax imposed by this Chapter of the amount so paid by him or on his behalf to such other municipality. The credit shall not exceed the tax assessed by this Chapter on such income earned in such other municipality or municipalities where such tax is paid.
- (2) For individual taxpayers with income reported on Schedules C, E or F who reside in the Municipality, the credit for taxes paid to other municipalities shall be determined as follows:

- (a) The taxpayer shall first determine the percentage of income reported on federal Schedules C, E and F and, earned in and taxed by another municipality compared to the total income reported on Schedules C, E and F attributable to taxing and non-taxing jurisdictions. This percentage shall be considered the "municipality contribution".
- (b) The allowable credit shall equal the total income reported on Schedules C, E and F multiplied by the municipality contribution determined under (a) multiplied by the lower of (i) the tax rate under this Chapter or (ii) the rate at which such income was actually taxed.
- (c) The taxpayer shall make the calculation for each other municipality for which he is claiming a credit.

171.083 CREDIT FOR PERSON WORKING IN JOINT ECONOMIC DEVELOPMENT DISTRICT OR ZONE

A Municipality shall grant a credit against its tax on income to a resident of the Municipality who works in a joint economic development zone created under section 715.691 or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Ohio Revised Code to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation, pursuant to Section 171.081 of this Chapter.

SECTION VI: That if the additional tax set forth herein is approved by a majority of the electors voting thereon, Troy Codified Ordinance Section 171.012(B) shall be amended to read as follows:

(B) An annual tax for the purposes specified in division (A) of this section which shall be, and hereby is, levied on and after July 1, 1989 at the rate of one and one-half percent (1.5%) per annum; and subject to the limitation as set forth in Ordinance O-16-92, in that the purpose of the collection of the income tax under this section shall be used solely for the capital and operating needs of police, fire, and public safety related services; an annual tax for such purposes shall be imposed beginning January 1, 1993, at the rate of an additional .25 percent (0.25%) per annum in the same manner as set forth above; an annual tax for parks and recreational purposes shall be, and hereby is, levied beginning on January 1, 2018 and ending on December 31, 2027 at the rate of an additional one quarter of one percent (0.25%) per annum and subject to the limitations set forth in Ordinance No. O-61-2016 and in the same manner as set forth herein.

SECTION VII: That the Clerk of the City Council of the City of Troy, Ohio is authorized and directed to certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio, immediately upon its passage, and to give notice by newspaper advertising in accordance with the provisions of Section 731.21.1 of the Ohio Revised Code.

SECTION VIII: That this Ordinance is an emergency measure necessary for the preservation of the public peace, health and safety of the City of Troy, Ohio, and for the further reason that this Ordinance must take effect prior to the filing deadline for the May 2, 2017 election and immediate action is necessary; NOW WHEREFORE, this Ordinance shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____

President of Council

Approved: _____

Attest: _____
Clerk of Council

Mayor

ORDINANCE No. O-1-2017

Dayton Legal Blank, Inc.

**ORDINANCE ACCEPTING THE FINAL PLAT OF HALIFAX
ESTATES SUBDIVISION SECTION TWO AND SECTION
THREE IN THE CITY OF TROY, OHIO AND DEDICATING
RIGHT-OF-WAY**

WHEREAS, the final plats of Halifax Estates Subdivision Section Two and Section Three were presented to the Planning Commission of the City of Troy, Ohio, and

WHEREAS, such plats involve the dedication of right-of-way, and

WHEREAS, such plats have been submitted to this Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, as follows:

SECTION I: That the final plats in the City of Troy, Ohio, known as Halifax Estates Subdivision Section Two and Section Three presented to Council and now on file with the Clerk of Council, are hereby approved and accepted.

SECTION II: That the roadways described in the plats are hereby dedicated to a public purpose.

SECTION III: That the proper officials of the City of Troy, Ohio are hereby authorized to execute such plats, and authorized to file said plats for record in the Office of the Recorder of Miami County, Ohio.

SECTION IV: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor



City of Troy

Lto

MEMORANDUM

TO: Mrs. Baker, President, Troy City Council
FROM: Sue Knight, for the Troy Planning Commission
DATE: December 15, 2016
SUBJECT: **REPORT OF THE PLANNING COMMISSION ON THE REZONING OF 214 S. MULBERRY STREET, (PARCEL DO8-012080, INLOTS 936 AND 937) FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT; OWNER/APPLICANT: KEYSTONE REAL ESTATE GROUP LTD.**

On December 14, 2016, the Troy Planning Commission considered the rezoning of 214 S. Mulberry Street (parcel DO8-012080, Inlots 936 and 937) from M-2, Light Industrial District, to B-2, General Business District. The property owner/applicant is Keystone Real Estate Group LTD.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that 214 S. Mulberry Street (parcel DO8-012080, Inlots 936 and 937) be rezoned from M-2, Light Industrial District, to B-2, General Business District, based on the findings of staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code;
- The proposed rezoning is consistent with the surrounding zoning districts;
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the January 17, 2017 meeting of Council.

encl.

TO:	Troy Planning Commission
FROM:	Development Staff
DATE:	December 14, 2016
SUBJECT:	Rezoning: 214 S. Mulberry St. D08-012080
OWNER:	Keystone Real Estate Group LTD
APPLICANT: Keystone Real Estate Group LTD	

BACKGROUND:

Keystone Real Estate Group LTD has applied for Planning Commission to consider the rezoning of 214 S. Mulberry St. Currently the property is zoned M-2 Light Industrial District and the applicant requests that the parcel be rezoned to B-2 General Business District.

This property was most recently used for storage by the previous owner Dan Mader but currently has been vacant. It lies between parcels zoned M-2 Light-Industrial to the north, east and west and B-2 General Business to the south. A map depicting the surrounding city zoning districts is included in this report.

DISCUSSION:

The applicant has cited the reason to request this change from M-2 Light Industrial to B-2 General business to become more compatible with future endeavors and to become more consistent with the neighboring properties.

The Zoning Code describes the proposed B-2 zoning district is "intended to provide for the development of major retail shopping areas and centers outside the downtown area. These districts include much of the strip commercial property existing along the major streets of the City."

Attached to this report is a list of all the B-2 General Business zoning districts uses.

The Comprehensive Plan's SE Future Land Use Map (Figure 14-4) displays this property as a mix of commercial and residential uses. Figure 14-4 has been attached to this report.

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:

(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

The proposed rezoning is not made necessary because of changing conditions in the affected area. The allowed uses in the B-2 General Business district will not have any adverse effects in the area and is consistent with the commercial zoning that exists to the east.

(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The allowed uses in the proposed B-2 General Business district will match the permitted uses that are currently allowed on the properties located to the south.

(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

All utilities can be provided.

(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.

No vacant land with the B-2 General Business district exists in the vicinity of this parcel.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

Not applicable in this request.

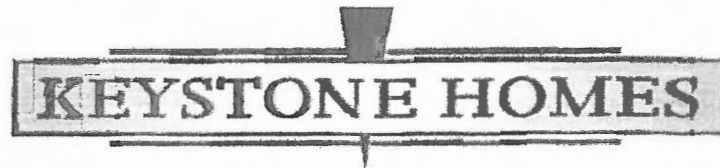
PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, the compatibility of the proposed zoning matching the zoning of surrounding properties, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from M-2 Light Industrial to city zoned B-2 General Business, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.



"Custom Built Quality at an Affordable Price."

November 23, 2016

We, the applicant, are requesting rezoning of the property at 214 S. Mulberry St., Troy, OH. We are seeking to change from M-2 Light Industrial, which is the present zoning, to Commercial Zoning B-2, which is more compatible with our future endeavors and more consistent with the properties in this neighborhood.

Thank you for your consideration of our request.

Anthony Scott

B-2 Principal Permitted Uses

- Adult Family Home.
- Adult Group Home.
- Bed and Breakfast.
- Churches, chapels, temples, synagogues.
- Family Home.
- Foster Family Home.
- Group Home.
- Halfway House.
- Intermediate Care Home.
- Multiple-family dwelling.
- Nursing homes.
- Public parks, playgrounds and community centers.
- Public utility.
- Rooming houses.
- Schools – primary, intermediate and secondary – public or private.
- Single family dwellings.
- Social Care Home.
- Two-family dwellings.

M-2 Principal Permitted Uses

- Agricultural implement sales and service.
- Agricultural uses.
- Auction sales.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – including body work.
- Bakeries – wholesale sales.
- Beverage distributors and bottling plants.
- Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing, assembling, compounding, or treatment (or any
- Building material sales and storage facilities.
- Carpentry shops.
- Cash advance businesses.
- Cement block and formed products manufacturing.
- Cold storage plants.
- Commercial greenhouses and nurseries.
- Contractor sales, storage and equipment yards.
- Crematoriums (pet and human).
- Dairy and food product processing and packaging.
- Driver training schools (trucks).
- Dry cleaning – commercial.
- Electrical and electronic products, components and equipment – manufacturing, assembling or repair.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax.
- Food brokers – retail, wholesale and storage without processing.
- Frozen food lockers.
- Garden stores.
- Government buildings, structures, or premises used exclusively by federal, state, county, township, or municipal governments for public
- Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public
- Heating, A/C, electric and plumbing sales, service and repair.
- Liquid fuel, petroleum products, petroleum, and volatile oils – bulk storage stations in accordance with Section 1143.18(g) hereof.
- Machine shops, tool and die shops.
- Machinery and heavy equipment rental, sales and storage.
- Manufacturing, assembling or repair of medical, dental, optical and similar precision
- Meat processing and packaging, exclusive of slaughtering.
- Medical and dental laboratories.
- Metal products, excluding structural steel and foundry products or product from previously
- Moving and storage companies.
- Musical instruments – manufacturing, assembling or repair.
- Novelties, toys and rubber products – manufacturing, assembling or repair.
- Pawn shops.
- Pharmaceutical products, including cosmetics, toiletries and perfumes, but excluding the
- Pool Halls.
- Printing, publishing, binding and typesetting plants.
- Private clubs.
- Public utility.
- Railroad stations, depots, train yards, classification yards and team tracks.
- Research and engineering laboratories.
- Sales offices and service centers.
- Sawing and planing mills.
- Sexually oriented business.
- Sign painting and manufacture.
- Stone products processing and manufacturing.
- Tattoo parlors.
- Truck fuel dispensing stations.
- Truck repair facility.
- Truck sales and service.
- Truck washing facility.
- Trucking and motor freight terminals.
- Watches and clocks, including clock operated devices – manufacturing, assembling or repair.
- Water filtration plants and pumping stations.
- Wholesale houses, warehouse and other storage facilities

B-2 General Business District uses not permitted in the M-2 Zoning**District**

- Accountant's office.
- Apparel stores – retail sales.
- Architect's office.
- Art and school supplies – retail sales.
- Art galleries and museums.
- Artist, sculptor and composer studios.
- Attorney's office.
- Automobile accessories – retail sales, including incidental installation.
- Automobile repair garages – no body work.
- Automobile service stations.
- Automobile Wash.
- Bakeries – retail sales.
- Banks and financial institutions.
- Barber and beauty schools.
- Barber and beauty shops.
- Bicycle sale, rental and repair.
- Blueprinting, photocopying, photo finishing services.
- Books – retail sales.
- Bowling lanes.
- Business, civic, fraternal association and labor meeting rooms.
- Business and technical schools.
- Cabinet shops.
- Cameras and photo supplies – retail sales.
- Candy and confectionery – retail sales.
- Catering services.
- Churches, chapels, temples, synagogues.
- Cigars, cigarettes, tobacco – retail sales.
- Coin-operated amusement centers.
- Dance halls.
- Dancing schools.
- Day-care centers.
- Department stores.
- Driver training schools (Automobile).
- Drug stores – retail sales.
- Dry cleaning and laundromats.
- Eating place – carry out.
- Eating place – Drive-in.
- Eating place - #1.
- Eating place - #2.
- Electrical appliance repair.
- Engineer's office.
- Florists.
- Food stores – retail sales.
- Gift shops.
- Grocery, meat and fish – retail sales.
- Gymnasiums.
- Hardware – retail sales.
- Health studios and clubs.
- Hobby shops – retail sales.
- Hotels and motels.
- Insurance agent's office.
- Jewelry – retail sales.
- Kennel.
- Lawn mower sales, service and repair.
- Leather goods and luggage – retail sales.
- Libraries.
- Locksmiths.
- Medical and dental office/clinic.
- Mortuaries and funeral parlors.
- Motorcycle sales and service.
- Newsstand – retail sales.
- Office supplies and stationary – retail sales.
- Optical goods – retail sales.
- Package liquor, beer and wine – retail sales – Drive- thru.
- Package liquor, beer and wine – retail sales.
- Paint, glass and wallpaper – retail sales.
- Pet grooming – all day, no overnight.
- Pet sales and supplies – retail sales.
- Photo studios.
- Professional Office not otherwise mentioned.
- Public parks, playgrounds and community centers.
- Radio and television – sales, service and repair.
- Real estate broker's office.
- Repair part – retail sales.
- Residential use on second story or above.
- Retail and service uses.
- Schools – primary, intermediate and secondary – public or private.
- Seamstress and tailor.
- Shoe repair.
- Upholstery shop, not involving furniture manufacturing.
- Variety stores – retail sales.
- Veterinary office – w/boarding.
- Watch, clock and jewelry repair.

M-2 Light-Industrial District uses not permitted in the B-2 Zoning District

- Agricultural uses.
- Automobile repair garages – including body work.
- Bakeries – wholesale sales.
- Beverage distributors and bottling plants.
- Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing, assembling, or treatment.
- Carpentry shops.
- Cash advance businesses.
- Cement block and formed products manufacturing.
- Cold storage plants.
- Commercial greenhouses and nurseries.
- Contractor sales, storage and equipment yards.
- Crematoriums (pet and human).
- Dairy and food product processing and packaging.
- Driver training schools (trucks).
- Dry cleaning – commercial.
- Electrical and electronic products, components and equipment – manufacturing, assembling or repair.
- Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal.
- Frozen food lockers.
- Government buildings, structures but not including work shops, warehouse, or open material storage.
- Liquid fuel, petroleum products, petroleum, and volatile oils.
- Machine shops, tool and die shops.
- Machinery and heavy equipment rental, sales and storage.
- Manufacturing, assembling or repair of medical, dental, optical and similar precision instruments.
- Meat processing and packaging, exclusive of slaughtering.
- Metal products, excluding structural steel and foundry products.
- Moving and storage companies.
- Musical instruments – manufacturing, assembling or repair.
- Novelties, toys and rubber products – manufacturing, assembling or repair.
- Pawn shops.
- Pharmaceutical products, including cosmetics, toiletries and perfumes.
- Pool Halls.
- Printing, publishing, binding and typesetting plants.
- Railroad stations, depots, train yards, classification yards and team tracks.
- Research and engineering laboratories.
- Sawing and planing mills.
- Sexually oriented business.
- Sign painting and manufacture.
- Stone products processing and manufacturing.
- Tattoo parlors.
- Truck fuel dispensing stations.
- Truck repair facility.
- Truck sales and service.
- Truck washing facility.
- Trucking and motor freight terminals.
- Watches and clocks, including clock operated devices – manufacturing, assembling or repair.
- Water filtration plants and pumping stations.
- Wholesale houses, warehouse and other storage facilities.



ORDINANCE No. O-2-2017

Dayton Legal Blank, Inc.

**ORDINANCE CHANGING THE ZONING OF PARCEL
DO8-012080 (PARTS OF INLOTS 936 AND 937 AND
PART OF OUTLOT 5) IN THE CITY OF TROY, OHIO,
FROM THE ZONING OF M-2, LIGHT INDUSTRIAL
DISTRICT, TO B-2 GENERAL BUSINESS DISTRICT**

WHEREAS, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone Parcel DO8-012080 (parts of Inlots 936 and 937 and part of Outlot 5) in the City of Troy, and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of Parcel DO8-012080 (parts of Inlots 936 and 937 and part of Outlot 5) in the City of Troy, Ohio, and as shown on Exhibit A attached hereto, be changed from the zoning of M-2, Light Industrial District, to the zoning of B-2, General Business District, is hereby approved.

SECTION II: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor



City of Troy Planning & Zoning Map

and Parcel Data

214 s mulberry

EXHIBIT A

REZONING - 214 S. Mulberry Street, PARCEL DO8-012080
part of Inlots 936 and 937, part of Outlot 5
from M-2, Light Industrial District,
to B-2, General Business District



60ft



L 10

MEMORANDUM

TO: Mrs. Baker, President of Council

FROM: Sue Knight for the Troy Planning Commission

DATE: December 15, 2016

SUBJECT: REPORT OF THE PLANNING COMMISSION – PROPOSED AMENDMENTS TO THE ZONING CODE
RELATED TO MEDICAL MARIJUANA

At the December 14, 2016 meeting of the Troy Planning Commission, the Commission reviewed recommendations from City Staff related to establishing the number of permitted retail dispensaries of medical marijuana and prohibiting the cultivators and processors of medical marijuana.

As was reviewed by the Commission, Council has established a second 180 day moratorium related to cultivating, processing and dispensing medical marijuana so that there would be time to consider if amendments to the zoning code should be recommended to respond to the new state law permitting certain functions related to medical marijuana -- Chapter 3796 of the Ohio Revised Code, which became effective on September 8, 2016. The recommendation provided by City staff to the Commission is attached.

The Troy Planning Commission determined not to hold a public hearing on these proposed amendments. By unanimous vote the Troy Planning Commission recommends to Troy City Council that the Zoning Code of the City of Troy, Ohio be amended to:

1. Establish a City-wide ban on the cultivators and processors of medical marijuana.
2. Establish the number of permitted retail dispensaries of medical marijuana to three throughout the City, but only located within the B-4 (Highway Service Business District) zoning district.

Council's public hearing on this Zoning Code amendment will be held at the January 17 meeting. This matter is forwarded herewith for consideration of Troy City Council.

encl.



City of Troy

Timothy E. Davis
Assistant Development Director
WWW.TROYOHIO.GOV
100 South Market Street
Troy, Ohio 45373
phone: (937) 339-9481/fax: (937) 339-9341

MEMORANDUM

TO: Troy Planning Commission

FROM: Tim Davis, Assistant Development Director

DATE: December 14, 2016

SUBJECT: *RECOMMENDATION RE MEDICAL MARIJUANA*

RECOMMENDATION

As permitted and defined by Chapter 3796 of the Ohio Revised Code, the Troy Planning Commission should recommend to City Council a city-wide ban on cultivators and processors of medical marijuana, as well as a limit on the number of retail dispensaries to a maximum of three (3) to be allowed in the B-4 Zoning District.

BACKGROUND AND DISCUSSION

In June, Ohio became the 25th state to enact legislation allowing for the medicinal use of marijuana by approving House Bill 523. This bill enacted Chapter 3796 of the Ohio Revised Code, which became effective on September 8, 2016. Chapter 3796 authorizes the use of marijuana for medical purposes and establishes the Medical Marijuana Control Program, which allows people with certain medical conditions, upon the recommendation of an Ohio-licensed physician certified by the State Medical Board, to purchase and use medical marijuana.

There are many aspects to the Chapter 3796 of the O.R.C but the following are requirements of the program that impact municipalities:

Zoning

- Authorizes the legislative authority of a municipal corporation or a board of township trustees to adopt regulations to prohibit retail dispensaries, cultivators, and processors.
- Prohibits a cultivator, processor, retail dispensary, or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground, or public park.

On July 18, 2016, Troy City Council approved Ordinance O-36-2016, which provided a moratorium for a period of one hundred and eighty (180) days on the granting of any permit allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Troy.

On August 10, 2016, Planning Commission discussed placing a ban on retail dispensaries, cultivators, and processors as defined by Chapter 3796 of the Ohio Revised Code, but members questioned whether it may be in the best interest to allow a limited number of dispensaries instead of banning them completely. It was decided to table the issue until a full representation of the Planning Commission was available.

On September 14, 2016 the Planning Commission recommended to City Council the following:

- A city-wide ban on cultivators and processors as defined by Chapter 3796 of the Ohio Revised Code.
- A maximum of five marijuana retail dispensaries throughout the city, provided:
 - Location is permitted only within a B-1 (Local Retail District), B-2 (General Business District) or B-4 (Highway Service Business District) zoning district; and
 - Location is not permitted within the B-3 (Central Business District) zoning district; and
 - Location is not permitted within the Historic District as defined by the City of Troy Zoning Code, regardless of the zoning designation.

From October through November, City Council held several meetings regarding this issue and made several amendments to Planning Commission's recommendations including the reduction of marijuana retail dispensaries from five to three to zero. On November 21, 2016, City Council failed to approve any legislation related to marijuana cultivators, processors and dispensaries. That inaction returns the issue back to the Planning Commission for further review and recommendations.

The prohibitions that have been agreed upon by both City Council and the Planning Commission involve cultivators and processors. From their failed amendments and votes, it is clear that City Council has only a thin majority willing to ban dispensaries, which can only prevail if the Planning Commission so recommends. From past meeting discussions, it is also clear that the Planning Commission is not willing to recommend an outright ban on dispensaries but is sensitive to protecting both the Historic District and residential neighborhoods.

To allow sufficient time for additional Planning Commission review and for a new zoning process, City Council approved Ordinance O-59-2016, which extends the current moratorium for an additional one hundred and eighty (180) days.

REQUESTED ACTION:

It is requested that Planning Commission recommend to City Council a city-wide ban on cultivators and processors of medical marijuana and allow a maximum of three (3) medical marijuana retail dispensaries in the B-4 (Highway Service Business) District only.

They Say the Grass is Greener: Could Medical Marijuana Be Coming to a Town Near You?

Marie-Joelle C. Khouzam, Bricker & Eckler LLP



Without much buzz, Sub. H.B. 523, Ohio's new medical marijuana statute, was passed by the General Assembly and signed into law. What does this mean for political subdivisions?

The Straight Dope. The new law states that medical marijuana is marijuana, as defined in the criminal provisions of the Ohio Revised Code, "cultivated, processed, dispensed, tested, possessed, or used for a medical purpose". However, marijuana remains illegal as a Schedule 1 substance under the federal Controlled Substances Act, creating significant tensions



between state and federal laws. Although Ohio's statute expressly contained a provision urging legislators to influence federal lawmakers to reclassify marijuana off Schedule 1, the Drug Enforcement Agency again declined to do so this August, stating it was giving "enormous weight" to the Food and Drug Administration's conclusions that marijuana has "no currently accepted medical use in

treatment in the United States," and remains vulnerable to abuse as the most commonly used illicit drug. This disconnect between state and federal laws impacts a number of legal issues, some of which are discussed below.

The Science is still Dubious. While there are many documented health and workplace risks associated with using marijuana,

there are a number of clinical trials underway with the consent of the federal government. These include evaluating the use of marijuana-based medications, currently produced in Great Britain and only available in other countries, to treat certain pediatric seizure disorders. However, scientists, the American Academy of Pediatrics, and the Surgeon General caution further study and evaluation before more widely promoting medical marijuana.

Joint Effort. Under Ohio's new law, an advisory board will help frame Ohio's Medical Marijuana Control Program. Then, the Department of Commerce will have responsibility for developing rules and regulations governing the business aspects of medical marijuana licenses, cultivation, sales, consumption, and enforcement. The Ohio Medical Board will regulate physicians who wish to recommend -- not prescribe -- medical marijuana to patients, and will monitor outcomes through periodic reports submitted by physicians. The Pharmacy Board will be responsible for licensing dispensaries and those who operate them.

The law enumerates 20 conditions that will qualify a registered patient for use, including for "pain that is either chronic and severe or intractable", but the regulatory bodies can reevaluate that list over time. Patients and patient caregivers will be required to register with the state to buy medical marijuana.

Up in Smoke? The state law limits the permissible forms of medical marijuana to oils, tinctures, plant materials, transdermal patches, edibles, and other forms that may eventually be authorized by the Pharmacy Board. Medical marijuana cannot be home-grown or consumed in combustible (smoked) form; however, vaping is expressly permitted. The other limitation is that edibles cannot be in a form that is attractive to children.

We're not just Blowing Smoke!

The impact of state versus federal laws will impact employment, the prosecution of cases that implicate multiple statutes, and even whether attorneys can advise clients on medical-marijuana related businesses. Specifically, on August 5, the Ohio Supreme Court's Board of Professional Conduct issued advisory opinion 2016-6, warning attorneys that they may not "provide legal services necessary for a client to establish and operate a medical marijuana enterprise or to transact business with a person or entity engaged in a medical marijuana enterprise." This opinion could theoretically implicate certain aspects of a village solicitor's, law director's or city attorney's work, and certainly creates a challenge for the Ohio Department of Commerce as it attempts to hire an attorney to develop its medical marijuana control program rules. Following this opinion, the Chief Justice of the Supreme Court directed staff to draft an amendment to the Ohio Rules of Professional Conduct, so as to clarify the

services attorneys can offer.

While the law expressly states that employers are not required to accommodate employee use and that employees cannot sue employers for personnel decisions that implicate medical marijuana use, employment issues affecting municipalities will still arise based on at least the requirements imposed on CDL drivers, accommodation obligations under the Americans with Disabilities Act (for any underlying medical condition, not for the effects of using medical marijuana), workplace testing issues when a person tests positive but claims to not be impaired, implications for collective bargaining and grievances, and potential retaliation claims. Another safety-related aspect may involve an employer's general duty under OSHA law to keep all employees safe from known or foreseeable risks.

At this point, it is unclear whether group health plans may be required to cover recommended use as a form of treatment -- unlike other states with medical marijuana laws, Ohio did not address this in the brokered version of the law that passed.

Similarly, since insurance coverage varies by underwriter and by state, it remains foggy whether employment practices liability coverage will cover instances involving personnel decisions based on an employee's use of medical marijuana.

What is known on the employment front is that a solidly written zero-tolerance or similar policy against substance abuse will serve as a bar to unemployment claims and potentially to workers' compensation claims where being under the influence resulted in a workplace accident.

In the Zone. The law expressly permits local governments to legislatively regulate and even prohibit medical marijuana cultivation and sale through zoning laws. It also limits cultivation or sale within 500 feet of a school, public playground, church, public park or public library.

A Pot of Gold? High Hopes for Revenues? Municipalities may react differently to this new law, depending on whether they view medical marijuana as a threat or an opportunity. Recently, the public officials of one predominantly rural central Ohio community have considered the possibility of medical marijuana as a source of revenue, jobs, and development opportunities. Still others have imposed moratoria to provide time to give their councils or zoning bodies time to study the matter after rules are promulgated by the state. While the prospect of jobs, CAUV tax, or income tax, or, conversely, the fear of widespread drug use and accidents, may influence municipalities, legal advisors of municipalities should understand and consider the full panoply of implications, including what, if any ethical limitations may restrict their involvement.



The Picture Remains Hazy. What can attorneys advising municipalities do now?

- Help your community update its personnel handbooks, and consider whether any contract amendments should be negotiated with representatives of collectively bargained groups
- Review and update job descriptions for safety-sensitive aspects
- Review and understand your municipality's drug testing standard
- Train management personnel on how to observe and react to suspicious conduct
- Be prepared to advise your legislative body about zoning changes, the use of economic development incentives, law

enforcement implications, potential prosecutorial issues, and other aspects implicated by the new law

- Consider any enforcement and fiscal implications of permitted uses
- Know the ethical issues associated with dealing with cultivators, retailers, or other persons or entities engaged in this enterprise

Marie-Joëlle C. Khouzam is the City Attorney of Grandview Heights, and a public law and employment law partner with Bricker & Eckler LLP. She was invited to testify before the Ohio House of Representatives' medical marijuana task force on the employment implications associated with legalization.

ORDINANCE No. O-3-2017

Dayton Legal Blank, Inc.

AN ORDINANCE AMENDING SECTION 1143.16 OF THE ZONING CODE OF THE CITY OF TROY, OHIO AND ENACTING SECTION 1149.13 AND SECTION 1149.14 OF THE ZONING CODE OF THE CITY OF TROY, OHIO, RELATED TO RETAIL DISPENSARIES, CULTIVATORS, AND PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF TROY, OHIO

WHEREAS, the Planning Commission of the City of Troy, Ohio has reviewed proposed amendments to the Zoning Code related to retail dispensaries, cultivators, and processors of Medical Marijuana and has recommended approval of said amendments; and

WHEREAS, at least thirty days' notice of the public hearing regarding said Zoning Code amendments has been provided in a newspaper of general circulation; and

WHEREAS, Troy City Council has reviewed Section 1143.16 of the Zoning Code of the City of Troy, Ohio and determined the appropriate changes are necessary; and

WHEREAS, Ohio Revised Code Section 3796.29 allows municipalities to prohibit and/or limit the location of retail dispensaries, cultivators, and processors of medical marijuana within the corporate limits.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio, as follows:

SECTION I. That Section 1149.13 of the Codified Ordinances of the City of Troy, Ohio, is hereby enacted to read as follows:

"Section 1149.13 Prohibition of Medical Marijuana Cultivation and Processing: No person or entity shall establish or maintain land, buildings, or premises for the use of medical marijuana's cultivation or processing. For purposes of this section, "medical marijuana cultivator," and "medical marijuana processor", shall be defined as set forth in Chapter 3796 of the Ohio Revised Code as amended from time to time".

SECTION II. That Section 1149.14 of the Codified Ordinances of the City of Troy, Ohio, is hereby enacted to read as follows:

"Section 1149.14 Medical Marijuana Dispensaries:

- (a) That a maximum limit of three (3) Medical Marijuana dispensaries as defined by Chapter 3796 of the Ohio Revised Code may be permitted within the corporate limits of the City of Troy, Ohio.
- (b) That Medical Marijuana dispensaries as defined by Chapter 3796 of the Ohio Revised Code may not be permitted within the Historic District of the City of Troy, Ohio, as defined by the Zoning Code of the City of Troy, Ohio, regardless of zoning classification."

SECTION III. That Section 1143.16(b) of the Zoning Code of the City of Troy, Ohio is amended to include a new subsection as follows:

1143.16(b) Principal Permitted Uses.

"Medical Marijuana dispensaries".

SECTION IV. That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor



City of Troy

ITEMS OF INTEREST

TO: Mayor Beamish
Mrs. Baker, President of Council
Council Members

FROM: Patrick E. J. Titterington, Director of Public Service and Safety

A handwritten signature in blue ink, likely belonging to Patrick E. J. Titterington, the Director of Public Service and Safety.

DATE: December 30, 2016

We are providing the following for your information:

- Major Project Update:
 - Hobart Arena Renovation and Expansion – The renovation began on February 29. The Arena was initially closed to the public on July 11, with the ice put back down in September for ice related programs. The south entrance, southeast concession stand and skate rental are open for public use. Work continues on the west entrance. Substantial completion of the project is estimated to be the first quarter of 2017.
 - Extra High Service (EHS) Water Tower – The tower bowl is now visible to the west of the existing Stanfield tower. Construction is essentially halted for the winter months. Substantial completion is estimated for the Fall 2017.
- We received very positive comments about the addition to Operation Cloverleaf. As we previously announced T-R-O-Y is now spelled out in 18' foot high letters using over 180 Winter Gem Boxwood shrubs. The SR 41/I-75 interchange is one of the most attractive interchanges in the State of Ohio thanks to the efforts of the Operation Cloverleaf companies including All Pro Landscape, Anderson's Tree Company, Ever-Green Turf & Landscape, Greentech Lawn and Irrigation, Mercer Group, Inc., Quality Lawn & Landscape, Shields Lawn Tamer and Tree Care Inc. The annual in-kind contribution of the Operation Cloverleaf group is estimated at \$52,000 annually and totals approximately \$675,000 since 2003.
- Attached is a copy of the Tour de Donut Press Release. This new special event for Troy will be held on Saturday, September 16, 2017. We are looking forward to this event attracting a large number of new visitors to Troy.
- Collection of Christmas trees has started and will continue through January 31. The trees are to be placed at the curb at the front of the residence for collection. All decorations, tree stands and plastic bags must be removed from the trees or crews will not pick it up.

- As a reminder, City offices will be closed on January 2 in observance of the New Year's holiday and also on January 16 in observance of Dr. Martin Luther King Day. Residential trash and recycling pickup will be on schedule for both holidays. City Council will meet on Tuesday, January 3 and Tuesday, January 17 due to the holidays.
- The Snow Report through December 19 is attached.

Upcoming Events at Hobart Arena

Dec. 29-31	Miami Valley Freeze High School Hockey Tournament
Jan. 14-16	Hignite Invitational Hockey Tournament
Feb. 10	Old Dominion Concert
Feb. 11	Tesla Concert
Feb. 12	Greater Midwest Cheer Expo
Feb. 24-26	Western Ohio Home Builders Home & Garden Show
March 3 & 4	OHSAA Regional Wrestling Tournament
March 11	Kalimba Concert- Spirit of Earth, Wind & Fire
April 9	Best of John Williams- Dayton Philharmonic Orchestra
April 29	Dayton Feis Irish Dance Competition

Calendar of Meetings

Jan. 3	4:00 p.m.	Park Board	City Hall
Jan. 3	7:00 p.m.	Council	City Hall Council Chambers
Jan. 11	3:30 p.m.	Planning Commission	City Hall
Jan. 17	7:00 p.m.	Council	City Hall Council Chambers
Jan. 18	4:00 p.m.	Joint Park/Rec Board	Hobart Arena
Jan. 25	3:30 p.m.	Planning Commission	City Hall
Feb. 6	7:00 p.m.	Council	City Hall Council Chambers

If you have any questions, please do not hesitate to contact this office.

Enclosure

cc: Department Heads

For Immediate Release

The Tour de Donut

Troy, OH...After careful consideration, the organizers of the annual Tour de Donut bicycle event have selected Troy, Ohio as their new location for 2017 and beyond. The Tour de Donut will start and end around the square of historic downtown Troy on Saturday, September 16, 2017. Registration for this very unique event will begin January 1st.

"After moving the event to three different locations within Darke County for the past ten years, we began exploring options for moving this bicycle challenge to a larger community that would offer a "well-rounded experience". This will include restaurants, shops and hotels for family members. Additionally, city leaders plan to make Troy, Ohio a true destination for participants by planning a variety of events and activities throughout the weekend" states Roger Bowersock, the Head Donut.

Growing from 106 participants to over 2000 has been a sweet ride for Ohio's largest one day bicycle event. However, the 2,000 number cap will be increased to 3,000 in order to accommodate the growing demand of interested cyclists who travel to this event from 30 states.

The Tour de Donut is a unique bicycle event in which participants' ability to eat donuts is just as important as their ability to ride their bicycle. During this timed bicycle event, riders visit donut stops along the course. For each donut the rider will eat (and keeps down), five minutes will be deducted from their ride time. The Glazer, a special donut stop, will return by popular demand. Each donut eaten at this stop is worth a ten minute deduction in ride time. A competition will be held between area donut shops to choose what the coveted special glazer donut will be.

Event organizers will offer three different distances for cyclists in 2017. New routes are being designed that will offer riders a fun, challenging experience through beautiful, rural Miami County.

The Donut Mini, a 15 mile course, will return with one donut stop. The Mini awards its own prizes and allows younger riders and families to take part in the fun due to the shorter distance.

The 30 mile course, the Tour de Donut, will offer two donut stops. And, for the experienced cyclist, the Double D Challenge is a 64 mile ride with three donut stops. Prizes will be awarded for these courses in age group classes. Special awards will be given for the most donuts eaten, fastest time (without donuts), and the coveted golden Tour de Donut championship belt for the best adjusted "donut time".

A free children's event will take place at 8 a.m. on N. Market Street. All children participating will receive a free T-shirt, finisher medal and all the donuts and milk they care to eat courtesy of Orthopedic Associates of Southwest Ohio.

The Tour de Donut is a bicycle challenge meant to provide a fun experience for all participants. You do not have to be an experienced cyclist to take part in this event. While the event is technically a race, very few consider it a serious competition; anyone on a bicycle is welcome.

Mayor Michael Beamish states, "On behalf of the city, we are honored that Troy, Ohio has been chosen to be the new home of the Tour de Donut bicycle challenge. We look forward to developing a successful relationship for many years to come."

Online and mail-in registration opens January 1, 2017. Registration will remain open until the 3,000 rider limit is reached or until the September 1, 2017 deadline. Registration will not be available the day of the event. For more information visit www.thetourdedonut.com.

If your group is interested in assisting with the ride at a donut stop, or would like to volunteer with organizers, please contact the Head Donut at info@rocketshipsports.com

Rocketship Sports Management
Roger Bowersock
937. 417. 5772

City of Troy
2016-17 Snow Report

MONTH	TONS	SALT \$/TON	TOTAL \$	GAL	CACL2 \$/GAL	TOTAL \$	GAL	UNLEADED \$/GAL	TOTAL \$	DIESEL	DIESEL \$/GAL	TOTAL \$	REG LABOR HOURS	\$	OT LABOR HOURS	\$	EVENT TOTAL \$	TOTAL SALT USAGE TONS	TOTAL SALT REMAINING	TOTAL TO DATE \$	WEATHER CONDITIONS
October	0.0	\$72.98	\$ -	0.0	\$1.15	\$ -	0.0		\$ -	0.0			0.0	\$ -	0.00	\$ -	\$ -	0.0	1,000.0	\$ -	
November	0.0	\$72.98	\$ -	0.0	\$1.15	\$ -	0.0		\$ -	0.0			0.0	\$ -	0.00	\$ -	\$ -	0.0	1,000.0	\$ -	
December 8, 2016 7:15AM-3:00PM	8.0	\$72.98	\$ 583.84	0.0	\$1.15	\$ -	0.0	\$1.67	\$ -	28.0	\$1.75		9.8	\$ 276.77	0.00	\$ -	\$ 908.61	8.0	1,112.0	\$ 908.61	Brine
December 9, 2016 7:15AM-3:00PM	8.0	\$72.98	\$ 583.84	0.0	\$1.15	\$ -	0.0	\$1.67	\$ -	28.0	\$1.75	\$ 49.00	11.0	\$ 319.92	0.00	\$ -	\$ 952.76	8.0	1,104.0	\$ 1,861.37	Brine
December 11, 2016 5:45AM-8:45PM	30.0	\$72.98	\$ 2,189.40	0.0	\$1.15	\$ -	0.0	\$1.67	\$ -	44.0	\$1.75	\$ 77.00	0.0	\$ -	15.00	\$ 624.96	\$ 2,891.36	30.0	1,074.0	\$ 4,752.73	1" Snow, Mains & Secondarys
December 13, 2016 3:00AM-7:00AM	8.0	\$72.98	\$ 583.84	0.0	\$1.15	\$ -	0.0	\$1.67	\$ -	8.0	\$1.75	\$ 14.00	8.0	\$ 243.36	0.00	\$ -	\$ 841.20	38.0	1,066.0	\$ 5,593.93	Brine
December 13, 2016 10:30AM-2:30PM	38.0	\$72.98	\$ 2,773.24	63.0	\$1.15	\$ 72.45	0.0	\$1.67	\$ -	32.0	\$1.75	\$ 56.00	28.0	\$ 763.56	0.00	\$ -	\$ 3,665.25	30.0	1,028.0	\$ 9,259.18	1.5" Inches of snow
December 14, 2016 7:00AM-10:00AM	6.0	\$72.98	\$ 437.88	0.0	\$1.15	\$ -	0.0	\$1.67	\$ -	0.0	\$1.75	\$ -	0.0	\$ -	0.00	\$ -	\$ 437.88	98.0	1,022.0	\$ 9,697.06	Salt for school and park
December 17, 2016 12:00AM-3:30AM	24.0	\$72.98	\$ 1,751.52	96.0	\$1.15	\$ 110.40	0.0	\$1.83	\$ -	41.0	\$2.02	\$ 82.82	0.0	\$ -	12.50	\$ 534.39	\$ 2,479.13	122.0	998.0	\$ 12,176.19	Freezing rain
December 17, 2016 9:00PM-12:00AM	35.0	\$72.98	\$ 2,554.30	140.0	\$1.15	\$ 161.00	0.0	\$1.83	\$ -	68.0	\$2.02	\$ 137.36	0.0	\$ -	21.00	\$ 856.86	\$ 3,709.52	157.0	963.0	\$ 15,885.71	Freezing rain
December 18, 2016 4:00AM-7:00AM	7.0	\$72.98	\$ 510.86	28.0	\$1.15	\$ 32.20	0.0	\$1.83	\$ -	20.0	\$2.02	\$ 40.40	0.0	\$ -	6.00	\$ 231.90	\$ 815.36	164.0	956.0	\$ 16,701.07	Salt bridges/hills
December 18, 2016 9:00AM-5:00PM	52.0	\$72.98	\$ 3,794.96	196.0	\$1.15	\$ 225.40	0.0	\$1.83	\$ -	88.0	\$2.02	\$ 177.76	0.0	\$ -	32.00	\$ 1,345.56	\$ 5,543.68	216.0	904.0	\$ 22,244.75	Salt everything
December 19, 2016 7:00AM-3:00PM	8.0	\$72.98	\$ 583.84	0.0	\$1.15	\$ -	0.0	\$1.83	\$ -	0.0	\$2.02	\$ -	0.0	\$ -	0.00	\$ -	\$ 583.84	224.0	896.0	\$ 22,828.59	Salt for schools and park dept
Total			\$ 16,347.82			\$ 601.45						\$ 634.34				\$ 3,593.67	\$ 22,828.59				



**Operations
Items of Interest
December 30, 2016**

Street/Solid Waste – Jerry Mullins, Foreman

- Collected and transported 263 tons of residential trash since the last report of 263 tons.
- Handled two recycling complaints and six trash complaints.
- Collected several compliant brush piles and T-bags.
- Cleaned leaves from the square and downtown area.
- Completed the third round of leaf collection. Staff is currently doing a fourth round throughout the city that should be completed by January 6. Crews will continue to collect leaves in areas as they are placed out and as time and temperature allows.
- The asphalt plant has now closed for the season. Any repairs to street openings will have to be made with temporary cold patch.
- The Dye Mill Compost Facility received its annual inspection by the EPA and was found to be in compliance with all regulations with zero violations.
- Christmas trees collection has begun and will continue through January 31. We collect over 700 trees annually.

Electrical – Brian Ferree, Foreman

- Completed Ohio Utilities Protection Service requests as needed.
- Completed the monthly safety report for January.
- Continued to maintain the mini-lights downtown.
- Repaired several entrance and exit lights inside the Barn in the Park Theater at Community Park.
- Repaired a metal halide light in the Cemetery workshop.
- Repaired a portable power cord on a patrol car radar unit for the Police Department.
- Installed a new control unit (bucket) in the motor control center at the Water Plant. The unit controls the boilers in the basement.
- Repaired an electrical outlet at Fire Station #3 that provides power to the battery charger on unit 3.
- Repaired the controls for the pump in the recovery basin at the Water Plant.

Water Distribution/Sewer Maintenance - Tom Parsons, Foreman

- Marked numerous Ohio Utilities Protection Service tickets.
- Worked on numerous work orders for Billing and Collection.
- Completed non-pay shut-offs and reconnected them as they were paid.

- Investigated numerous high consumption alerts.
- Replaced a 4" water meter at the Troy Aquatic Park.
- Repaired main breaks at Norwich Road and North Road, at a residence on Glendale Drive and behind Marsh Supermarket.
- Repaired two leaks in the West Milton meter pit.
- Repaired a leaking meter at Ellis Street.
- Jetted the lines to remove blockage on Lincoln Avenue at Hobart Corporation.
- Worked on storm water maps.

Water Treatment Plant – Jeff Monce

- Low Service Pump 2 has been reinstalled after a complete overhaul of the pump by the manufacturer. A new 100hp premium efficiency US motor was also added. An energy-saving variable frequency drive (VFD) will be added in early January to complete upgrades to the 1996 model 2 MGD pump.
- Two Dell 7910 workstations have been installed to replace the six year old plant computer server. The WTP now has dual independent control computers to improve reliability of the SCADA and equipment control system.
- WTP, Zoning, and Fire staff met to review 2015 & 2016 occupancy permits and site inspections to update the OEPA-required Potential Contaminant Source (PCS) List.
- Final revisions to the Source Water Assessment and Protection Plan (SWAP) have been completed and submitted to Arcadis Engineering for compilation into a final report for OEPA submittal.
- After repairs and testing, the State elevator inspector found no further issues with the WTP freight elevator and approved the operating license for 2017.
- Automatic chlorine analyzers are being linked to the plant computer network to reduce sampling costs and comply with the OEPA Groundwater Monitoring Rule.

Wastewater Treatment Plant – Mitch Beckner

- The Wastewater Treatment Plant's server computer has been successfully replaced and integrated into the plant's network and SCADA systems. We have also received two Dell Venue tablet computers which will be used by Operators and Mechanics to streamline processes and replace paper bench sheets and work orders.
- We have received the automated external defibrillators (AEDs) and they have been distributed to their intended locations. Training is currently being set up through the Troy Fire Department. Once employees have been trained, the AEDs will be permanently mounted and ready for use. CPR training through the YMCA is also being explored.
- Five resumes were received for the vacant Operator position at the Plant. We are looking forward to interviews with the candidates and the return to being fully staffed in the near future.

**Items of Interest
Engineering Department
December 28, 2016**

PROJ #	PROJECT TITLE	PROJECT STATUS
--------	---------------	----------------

PUBLIC WORKS PROJECTS

2015-01	MIA - Troy East Main Street Downtown Streetscape (PID 93240)	Reimbursement is being requested so the project can be closed out.
2014-16	Hobart Arena Renovation and Expansion	MSA Architects designed this project. Monarch Construction, Inc. is the general contractor. Every week construction coordination meetings are occurring with the contractor and MSA. Ice has been reinstalled for skating and hockey. Construction is progressing with new concession additions, back of house and data cabling. Work is ongoing for the west entrance. Contractor plans to be substantially complete by mid January 2017.
2014-17	Marina & Boathouse Renovation	Final inspections were completed and approved. Final punch list and retainage release is ongoing.
2014-12	Extra High Service (EHS) Water Tower	The Water Tower project has been awarded to CB&I Constructors, Inc. The tower bowl can be seen to the west of the existing Stanfield Tower. Construction is to be stopped for winter. Completion is estimated in Fall 2017.
2015-04	Nottingham Subdivision Sewer Gravity	Access Engineering, LLC was authorized to design a gravity sewer from the Nottingham Subdivision to Piqua-Troy Road at Troy-Urbana Road. Easement requests are being coordinated with the property owners. Final design is completed and coordination with the developer is ongoing.
2015-10	Troy Recreational Trail Resurfacing (PID 100778)	Council approved the ODOT LPA Agreement including accepting ODOT funding and finalizing bike path easements according to federal regulations. Resurfacing is scheduled to occur SFY 2020 (calendar year July 2019). The project will be Local-Let (i.e. implemented by City Staff) and will be funded 80/20 ODOT/Troy. A PO was issued for the engineering consulting work. Staff has begun the right-of-way acquisition with ODOT.
2014-08	McKaig Road Improvements Phase 3	This phase included work from Madison Street (RR tracks) to the alley west of Lake Street (end of Heywood Elementary property). Finfrack Construction Co. was awarded the project at a cost not to exceed \$1,170,000.00. Base asphalt has been placed between Ridge and Madison Street (RR tracks). Street is open to through traffic; crosswalk ped signals and school zone signs installation has begun.
2015-23	North Market Street Improvements Phase 2	This phase includes work from Kirk Lane/Foss Way to Stonyridge Avenue. Council authorized Choice One Engineering Corporation to design the project. Construction is anticipated to occur in 2017. Design is progressing with bidding anticipated in early 2017. Sidewalk assessments are being calculated for notifications to Council and residents.
2015-34	West Main Street Corridor Study from I-75 to Cherry Street	This project analyzes West Main Street between I-75 and downtown for capacity and multiple modes of transportation in order to improve safety. Council authorized an agreement with Strand Associates, Inc. The agreement has been signed and a kickoff meeting is scheduled in mid-January.
2016-26	West Milton Regionalization Phase 2	Council authorized the next phase of the project for additional analysis and breakdown of the City acquiring, operating and maintaining West Milton's water system. Contracts have been signed and kickoff meeting is scheduled in mid-January.

**Items of Interest
Engineering Department
December 28, 2016**

PROJ # PROJECT TITLE PROJECT STATUS

ANNUAL PROJECTS

	Sidewalk Program 2016	Contract quantities were obtained/measured for the 2016 sidewalk repair program, which is located in the following location: areas along S. Plum St., S. Cherry St., S. Walnut St. and S. Mulberry St. between Main St. and Franklin St.; S. Market St., S. Walnut St. and S. Mulberry St. between E. Franklin St. and E. Canal St.; and the area encompassed by S. Market St., E. West St., S. Clay St., Ross St., and S. Mulberry St. which include the following streets Young, Enyeart and Dakota. Contract was awarded to the low bidder being LJ DeWeese Co, Inc. of Tipp City. Contractor is removing trees in the project area.
96435	MIA - 55 - 11.83 Bridge Redecking North Market Street (PID 96435)	ODOT-Let and funded project. The bridge along the bike path is under surveillance as graffiti had been noticed. City is awaiting the invoice for resurfacing work completed.
	Engineering Electronic and Hard Copy File Organization	Staff has been working with an outside contractor to make the Engineering electronic/hard copy files organized in such a way that all staff can have access to most documents. This will improve efficiency with document filing and reduce the volume of space necessary. Staff re-implemented project numbers. Record drawings organization, personnel files clean-up, and project processes continue. P&Z files are also being organized. Records retention and organization of the Zoning hard copy files are being analyzed and implemented. Record drawings, electronic and hard copy were being inventoried by an intern.
2015-11	Updating City Construction Standards	Staff is working with Choice One Engineering Corporation (COEC) to update the standards. A review meeting occurred and updates are being completed by COEC. Draft provided to City for review and comment.
	Sensus Analytics Controlled Launch	Pilot testing is ongoing and coordination continues with Sensus and CMI.
	GPS Data Collection	Collection of data continues. Staff is obtaining OUPS markings from the Vectren bare steel/cast iron gas main replacement work occurring throughout the City and other construction/maintenance activities from City staff or contractors.
	Sidewalk, Driveway, Water, Sewer, and Sump Inspections	Inspections are continuing to be completed as requested with replacements and new development.

SUBDIVISION PROJECTS

2016-10	Stonebridge Meadows	Section 2 and Section 3 construction has intermediate asphalt and punchlist items being completed for final asphalt. Section 4 contractor has intermediate asphalt placed and house construction is progressing.
2016-02	Legacy Grove	A developer has submitted revised final plat of land along McKaig Road east of Concord Elementary School. Staff reviewing for return to developer.
2015-07 2016-15 2016-25	Halifax	Section 1 underground utilities installation and the initial course of asphalt have been installed. House construction has begun. Staff has been asked to look into lighting options. Section 2 and Section 3 were forwarded to the Planning Commission for recommendation to Council. Plan review is ongoing.
2015-06	Nottingham	Developer requested that Section 8 be closed out; contractor is completing the punch list. Section 9 has intermediate course of asphalt placed and house construction is progressing.

**Items of Interest
Engineering Department
December 28, 2016**

PROJ #	PROJECT TITLE	PROJECT STATUS
2012-08	Edgewater	Section 7 has obtained final course of asphalt, and escrow agreement will be held until final buildout of subdivision. Section 8 construction is ongoing with intermediate asphalt. Housing construction has begun.
2007-25	Hawk's Nest	Section 2 received final course of asphalt. Staff received a M&G bond for development and is awaiting property pins being set. Final escrow agreement draw released to bank.
2007-19	Pleasantview Estates	Section 3 is awaiting final course of asphalt. Due to the lack of construction progress in recent years, the City is investigating the potential of completing the subdivision via a special assessment process. Punch lists have been completed and will be sent to the developer in order to attempt to complete the subdivision. Section 4 plat has been approved. Construction has not begun.
2003-35	Villages of Concord (formerly Oakmont)	Section 5 is awaiting final punch list and final course of asphalt. Due to the lack of construction progress in recent years, the City is investigating the potential of completing the subdivision via a special assessment process. Punch list has been created and forwarded to the developer in order to attempt to complete the subdivision. Staff has reached out to the developer to encourage completion of the development without the assessment process. Staff is formulating a letter to the developer.



Date: December 27, 2016
To: Patrick Titterington, Director of Public Service and Safety
From: Jim Dando, Development Director
Subject: Area Development Magazine's Top 10 Site Selection Factors for Economic Development

Continuing automation of industries has changed the priorities for site selection consultants and the businesses which are growing. Previously, the first criterion typically has been Highway Accessibility. While still important (it's currently rated #2), Availability of Skilled Labor is now the #1 site selection factor, up from #5 in the past. Companies have found combinations of automation (robots) and human labor outperform either used separately. But the human labor must have higher skill levels than the typical factory workers of decades ago, which explains the current focus on Workforce Development. Troy Development Council's Career Days, Job Fairs, and Manufacturers' Days have been created to help fill the future "pipeline" of young workers with skills to match the needs of modern industries – whether they are traditional manufacturing, high-tech, IT, or higher-level service businesses. Schools likewise have developed innovative programs to give students a better career start than just the standard 3Rs.

Highway Accessibility is still important, but as mentioned above, it dropped from #1 to #2. The expense, particularly for manufacturers, of transporting raw materials and finished goods still is a controllable part of a plant's expenses. Increasingly, however, accessibility also is important for other industry sectors – because of the need to compete for workers from a larger geographic area. The Troy community is well situated along I-75 and close to I-75, both of which extend across the nation. With four I-75 interchanges, Troy has locational advantages over many other communities.

Also closely related to availability of skilled labor is the new #3 criterion – Quality of Life. In the past a community's charm was not one of the top ten factors considered in locating a new facility. But with the increased need for a skilled workforce, the attractiveness of a community to future workers must be considered. Again, Troy ranks high in quality of life and has that additional advantage.

The #4 criterion currently is Occupancy or Construction Costs. Previously, it had been #2, because of the extra consideration given to the initial capital costs of projects. These costs are again trending upward as the country continues to recover from the recession, so are still important.

Available Buildings is site selection factor #5. A vacant building is both less expensive and much faster to put into operation than totally new construction. During the worst of the recession, many more existing buildings were available across the nation. Particularly in Troy, that was not as true and certainly is not today. Some larger markets, such as Cincinnati, are now starting to see a few spec construction projects.

Labor Costs are unchanged in rank at criterion #6. Labor costs still have importance, but have been overshadowed by the question of the availability of suitable skilled labor.

The last criteria include four which have not changed much in relative importance to each other, but sometimes received the most attention in local communities: #7 Corporate Tax Rate, #8 Proximity to Markets, #9 State and Local Incentives, and #10 Energy Availability and Costs. To expanding businesses, these factors seem to be extra or secondary considerations, both now and in the past.

Troy's concentration on Quality of Life and Workforce Development are the best tactics for 2017.

MEMO

To: Patrick Titterington, Director of Public Service and Safety

From: Tim Davis, Assistant Development Director

Date: December 29, 2016

Subject: Planning Division Update

I have attached two reports which summarize concerns that are being addressed by the Planning Division from December 13, 2016 to December 29, 2016. The first report shows all permits that were issued by the Planning Division. The report contains the address and type of permit and separates the information by each ward. There were 17 permits issued during this time period.

The second report contains the address, type of concern, and a summary of the current status of on-going issues. Both open and closed concerns are listed and are separated by each ward.

As in the past, all costs associated with the removal of trash and elimination of noxious weeds will be invoiced to the property owner. If the property owner does not pay the invoice, the cost will be assessed to the property taxes.

CITY OF TROY - WARD ONE
PERMIT REPORT
12/13/2016 TO 12/29/2016

2016131F	12/16/2016	1077 WINDMILL CT	RIDELLE, JAMES & TINA	0	WESTERN OHIO FENCE
FENCE		N/A	1077 WINDMILL CT	10.00	5410 CO RD 25A N
		10519		LV	0 PIQUA, OH 45356
		FENCE, 12/15/16	TROY, OH 45373	NL	0 937-773-0215
		HALIFAX ESTATES		BA	0
		/	0/0/		

CITY OF TROY - WARD TWO
PERMIT REPORT
12/13/2016 TO 12/29/2016

2016064OC	12/27/2016	105 MAIN ST E	REDMAN'S LODGE	0	
RETAIL		N/A	103-1/2 E MAIN ST	50.00	
		N/A	103-1/2 E MAIN ST	LV	0
		OCCUPANCY, 12/21/16		NL	0
		/	0/0/	BA	0

2016103S	12/15/2016	111 MAIN ST E	SMITH, DAVID & GERALDINE	0	HAAS SIGNS
WALL SIGN		N/A	113 MULBERRY ST N SUITE A	35.00	3055 S CO RD 25A
		N/A		LV	0 TROY, OH 45373
		SIGN PERMIT, 11/23/16	TROY, OH 45373	NL	0 937-552-7787
		/	0/0/	BA	0

2016062OC	12/15/2016	214 MAIN ST W	KEYSTONE REAL ESTATE GROUP LTD	0	
OCCUPANCY-COMMERCIAL		N/A	PO BOX 980	50.00	
		N/A		LV	0
		GOSPEL COMMUNITY CHURCH OCC 12/2016	TROY, OH 45373	NL	0
		/	0/0/	BA	0

2016104S	12/15/2016	16 WATER ST E	KLOCKNER, RICHARD	0	
REFACE		N/A	16 WATER ST E	25.00	
		N/A		LV	0
		SIGN PERMIT, 11/23/16	TROY, OH 45373	NL	0
		/	0/0/	BA	0

CITY OF TROY - WARD THREE
PERMIT REPORT
12/13/2016 TO 12/29/2016

No permits issued in Ward Three from 12/13/2016 to 12/29/2016.

CITY OF TROY - WARD FOUR
PERMIT REPORT
12/13/2016 TO 12/29/2016

2016108S	12/27/2016	1206 ARCHER DR	MIAMI CTY HOME BUILDERS ASSOC	0	
WALL SIGN		N/A	1200 ARCHER DR	27.00	
		N/A		LV	0
		SIGN PERMIT, 12/21/16	TROY, OH 45373	NL	0
		0/0/		BA	0
/					
2016065OC	12/27/2016	1206 ARCHER DR	MIAMI CTY HOME BUILDERS ASSOC	0	
SERVICE		N/A	1200 ARCHER DR	50.00	
		N/A		LV	0
		OCCUPANCY PERMIT, 12/21/16	TROY, OH 45373	NL	0
		0/0/		BA	0
/					
2016251Z	12/14/2016	1132 PARKLAWN CT	HARLOW BUILDERS INC	0	HARLOW BUILDERS
SINGLE FAMILY W/BASMNT		N/A	701 N MARKET ST	92.63	701 MARKET ST N
		N/A		LV	4263 TROY, OH 45373
		SINGLE FAMILY RES W/BASEMENT, 12/13/16	TROY, OH 45373	NL	694 937-339-9944
		EDGEWATER SEC 8	0/0/	BA	0
/					
3085ST	12/13/2016	1132 PARKLAWN CT	HARLOW BUILDERS INC	0	
SEWER TAP - RES		N/A	701 N MARKET ST	1200.00	
		N/A		LV	4263
		5/8" SEWER TAP - RESIDENTIAL, 12/13/16	TROY, OH 45373	NL	694
		EDGEWATER SEC 8	0/0/	BA	0
/					
1341WT	12/13/2016	1132 PARKLAWN CT	HARLOW BUILDERS INC	0	
WATER TAP-RES		N/A	701 N MARKET ST	2000.00	
		N/A		LV	4263
		3/4" WATER TAP - RESIDENTIAL, 12/13/16	TROY, OH 45373	NL	694
		EDGEWATER SEC 8	0/0/	BA	0
/					
2016063OC	12/20/2016	1100 WAYNE ST	PARK PLACE PROPERTIES LLC	0	
OFFICE		D08041705	251 MULBERRY ST S	50.00	
		N/A		LV	0
		OCCUPANCY PERMIT, 12/16/16	TROY, OH 45373	NL	0
		0/0/		BA	0
/					

CITY OF TROY - WARD FIVE
PERMIT REPORT
12/13/2016 TO 12/29/2016

2016252Z	12/28/2016	426 SUMMIT AVE	MILLER, LAURA	0
RAMP		N/A	426 SUMMIT AVE	25.00
		N/A		LV 0
		HANDICAP RAMP, 12/22/16	TROY, OH 45373	NL 0
				BA 0
			0/0/	

CITY OF TROY - WARD SIX
PERMIT REPORT
12/13/2016 TO 12/29/2016

2016061OC	12/15/2016	1733 MAIN ST W	GROTE PROPERTIES	0
SERVICE		N/A	98 N CRAIG AVE UNIT 18	50.00
		N/A		LV 0
		OCCUPANCY, 12/9/16	PASADENA, CA 91107	NL 0
		N/A		BA 0
			0/0/	

2016102S	12/13/2016	1910 MAIN ST W	GZD TROY VENTURES LLC	0
TEMPORARY BANNER		N-A	575 W 1ST AVE, STE 100	25.00
		N/A		LV 0
		TS 12/9/16-12/31/16	COLUMBUS, OH 43223	NL 0
		N-A		BA 0
			0/0/	

2016107S	12/22/2016	1914 MAIN ST W	ANCHOR RETAIL SOLUTIONS	0
FREESTANDING SIGN		N/A	3805 EDWARD RD, STE 410	45.00
		N/A		LV 0
		FS SIGN 12/22/16	CINCINNATI, OH 45209	NL 0
				BA 0

2016105S	12/15/2016	1998 MAIN ST W	LAK CAPITAL INVESTMENTS	0
TEMPORARY BANNER		N/A	9062 BELLBROOK RD	25.00
		10112		LV 0
		TEMP SIGN 12/16-12/31/16	WAYNESVILLE, OH 45068	NL 0
		N/A		BA 0
			0/0/	

2016106S	12/16/2016	1840 TOWNE PARK DR	CSIG HOLDING	0
FREESTANDING SIGN		N/A	2200 GENOA BUSINESS PARK DR	77.00
		N/A		LV 0
		SIGN PERMIT, 12/15/16	BRIGHTON, MI 48114	NL 0
		N/A		BA 0
			0/0/	

CITY OF TROY
 PERMIT WORK TYPE STATISTICS REPORT
 PERMIT DATE: 12/13/2016 TO 12/29/2016

SUBTOTALS	PERMITS	FEEs	EST. COST

F FENCE	1	10.00	0
OC OCCUPANCY-COMMERCIAL	1	50.00	0
OC OFFICE	1	50.00	0
OC RETAIL	1	50.00	0
OC SERVICE	2	100.00	0
S FREESTANDING SIGN	2	122.00	0
S REFACE	1	25.00	0
S TEMPORARY BANNER	2	50.00	0
S WALL SIGN	2	62.00	0
ST SEWER TAP - RES	1	1,200.00	0
WT WATER TAP-RES	1	2,000.00	0
Z RAMP	1	25.00	0
Z SINGLE FAMILY W/BASMNT	1	92.63	0
=====			
GRAND TOTAL	17	\$3,836.63	

CITY OF TROY - WARD ONE
VIOLATIONS REPORT
12/13/2016 TO 12/29/2016

No permits were issued in Ward One from 12/13/2016 to 12/29/2016.

CITY OF TROY - WARD TWO
VIOLATIONS REPORT
12/13/2016 TO 12/29/2016

205 FRANKLIN ST E TRASH & DEBRIS 12/13/16 12/13/16 04/12/17 12/22/16
20161981 ROWLEY, DONALD & CYNTHIA REMOVED BY CONTRACTOR
12-12-16 dp Neighbor complaint of a sofa in the curb lawn. Complainant states that this has been there a few days. I did not see it as cars were parked in front of this location and blocked it from my view. Certified to owner, no known tenant as this is a multiple tenant location. Follow up 12-19-16.
12-20-16 dp Green card back dated 12-19-16, follow up 12-22-16.
12-22-16 dp Remains send to OZ close.

301 FRANKLIN ST E TRASH & DEBRIS 12/14/16 12/14/16 04/13/17 12/27/16
N/A 20161987 FOURMAN, CLINTON W TRASH REMOVED
12-14-16 dp I noticed 2 sizeable piles of trash and debris in the curb lawn on the Clay St side. Certified, follow up 12-20-16.
12-22-16 dp Green card back dated 12-20-16 follow up 12-25-16.
12-27-16 dp Trash gone, close.

CITY OF TROY - WARD THREE
VIOLATIONS REPORT
12/13/2016 TO 12/29/2016

907 CLAY ST S EXCESSIVE ANIMALS 12/27/16 12/27/16 04/26/17
20162002 IMHOF, BRIAN & PEGGY
12-27-16 dp I received a call from the Miami County Animal shelter and they had received a complaint that the owners at this location allegedly have 5 dogs and 9 cats. As I understand it, an ex-boyfriend of the daughter who lives here had a picture of the deplorable conditions inside. I also contacted T. Tyson from Miami County Health Dept. as she was also contacted by the Animal Shelter and we are meeting at this location and I will hand deliver a violation letter. Follow up 1-27-17.

910 CLAY ST S SIGN VIOLATIONS 12/28/16 12/28/16 04/27/17
20162004 WAGNER, DANNY R & BARBARA
12-28-16 dp While on a complaint across the street I noticed a commercial sign attached to the front of this house and on the garage off the alley as well. I found no record of a home business at this location nor any sign permit applications or permits issued. Certificate letter, follow up 1-30-17.

910 CLAY ST S HOME OCCUPATIONS 12/28/16 12/28/16 04/27/17
20162003 WAGNER, DANNY R & BARBARA
12-28-16 dp While across the street on another complaint I noticed this home had a commercial sign attached to the front of the house and a sign on the garage off the alley as well. I find no record of there being a business at this location nor any permits for a business or signage. Certificate letter, to this owner follow up 1-30-2017.

380 ROSS ST E TRASH & DEBRIS 12/13/16 12/13/16 04/12/17 12/20/16
N/A 20161980 MORGAN, MICHAEL D TRASH REMOVED
12-12-16 dp I received this complaint via Tim Davis via Jerry Mullins. This tenant/owner said he was not going to remove the trash as Jerry had told him the city would not take it, possible move out. Certificate letter, follow up 12-19-16.
12-20-16 dp Trash gone, close.

CITY OF TROY - WARD FOUR
VIOLATIONS REPORT
12/13/2016 TO 12/29/2016

1550 HAWK CIR TRASH & DEBRIS 12/21/16 12/21/16 04/20/17 12/28/16
HAWK COVE 20161995 MORRIS, JOHNNY & KATHERINE TRASH REMOVED
12-21-16 dp I noticed a large pile of trash in the curb lawn. This appears to be a move out. This is a 4 unit complex and the City does not pick up trash from this location. Letter sent both ways, follow up 12-28-16.
12-28-16 dp Green card back dated 12-23-16 follow up 12-28-16.
12-28-16 dp Trash gone, close.

CITY OF TROY - WARD FIVE
VIOLATIONS REPORT
12/13/2016 TO 12/29/2016

736 LYMINGTON RD TRASH & DEBRIS 12/20/16 12/20/16 04/19/17 12/27/16
00300 20161993 FRANCIS, MARK D DEBRIS REMOVED
12-20-16 dp I received a complaint in regards to there being 2 piles of top soil and 1 pile of gravel that was dumped in front of this location. I investigated this last week and spoke to the tenant who was moving in that day. She did not have the contractors name or number but had a yard sign, so I called the number. We discussed this issue and he said he would get this debris asap. He had been doing some work for the owner. I received another call from the same complainant that this was still there. I will send a letter both ways. Follow up 12-25-16.
12-27-16 dp I received a call from this owner and he said the debris has been removed. I verified, closed.



1389 MC KAIG AVE FENCE NO PERMIT 12/20/16 12/20/16 12/20/16
20161994 DEISHER, SAM
12-20-16 sb Chain link fence installed without a permit. The chain looks as if it could be over 48" tall. Not in the front yard though. Certificate, follow up 1-23-17.

403 RIDGE AVE S ZONING PROBLEMS 12/15/16 04/14/17
20161991 BRICKER, KEITH
12-15-16 sb Garage addition was built and the permit was issued on the condition that the house be detached from the existing detached garage in order to be use the 5' setback for accessory uses. Inspected today, garage never detached. Sending friendly letter asking owner to contact me to discuss. Follow up 1-4-17.
12-20-16 sb Keith Bricker tel. 937-361-6239. He is still working finishing the garage. He also ran into an issue that there is electric running through where the house and garage are attached. I gave him until 5-1-17 to get everything completed.

CITY OF TROY - WARD SIX
VIOLATIONS REPORT
12/13/2016 TO 12/29/2016

No permits were issued in Ward Six from 12/13/2016 to 12/29/2016.

January 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 	2 <i>City Offices Closed</i>	3 4:00 p.m. Park Board 7:00 p.m. Council	4	5	6	7
8	9	10	11 3:30 p.m. Planning Commission	12	13	14
15	16 MARTIN LUTHER KING JR. Day  <i>City Offices Closed</i>	17 7:00 p.m. Council	18 4:00 p.m. Rec Board @ Hobart Arena	19	20	21
22	23	24	25 3:30 p.m. Planning Commission	26	27	28
29	30	31				